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UNITED STATES DISTRICT COURT**EASTERN DISTRICT OF****SOUTHERN DISTRICT**

Case: 2:21-mc-50209

Judge: Cox, Sean F.

MJ: Whalen, R. Steven

Filed: 1/25/2021

MOTION FOR RETURN OF PROPERTY BY MANAWAR
JAVED (ANCILLARY MATTER) (DP)Manawar Javed,
(Movant),

V.

United States Of America,
(Respondent).

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Criminal Action
No. 15-CR-20351**POST VERDICT MOTION TO RETURN PROPERTY**

Movant Manawar Javed ("Javed"), pro-se, and under Fed. R. Crim. P. 41(g) kindly moves this Court for return of property post verdict.

On June 15, 2015, Javed was charged for violating 18 U.S.C. §1349. (Ecf. 1). The indictment contained forfeiture allegation seeking upon Javed's conviction, forfeiture to the United States ("movant") under 18 U.S.C. §981(a)(1)(c) §982(a)(7). (Id).

On March 18, 2016, Javed plead guilty and agreed to an entry of forfeiture money judgment only in the amount of Twelve Million Seven Hundred fifty-five Thousand Eight Hundred Twenty Two Dollars and Twenty Eight Cents. (Ecf. 144).

On Oct 07, 2016, and after Javed's sentencing, the movant provided Javed with a delayed stipulated preliminary order of forfeiture which included the following:

- Eight Thousand One Hundred Ninety-Four Dollars and Sixty-One Cents in United States Currency from Huntington Bank;
- Four Thousand Seven Hundred Eighty-Nine Dollars and Fifty-Seven Cents in United States Currency from Huntington Bank;
- Forty-Nine Thousand Four Hundred Seventy-One Dollars and

Forty-Eight Cents in United States Currency from Talmer Bank;

- Five Hundred Eighty-Seven Thousand Seven Hundred Eighty-Six Dollars and Twenty-Eight Cents in United States Currency from Talmer Bank;
- Eighty-Two Thousand Seven Hundred Eighty-One Dollars and Eighty-Nine Cents in United States Currency from Comerica Bank; and
- Twenty-Five Thousand Five Hundred Twenty-Two Dollars and Sixty-Eight Cents in United States Currency from Comerica Bank.

(Ecf. 186). The parties agreed that the value of the listed property shall offset the judgment. (Id). The stipulated order did not contain any other property.

The movant, however, also seized Javed's family vehicle which was not stipulated to in the preliminary order of forfeiture. Neither was Javed provided a notice to reclaim said property. This violated Javed's Due Process.

Javed's family vehicle was personal property not constituting, or derived from proceeds obtained directly or indirectly, as a result of the above mentioned violation. The seized property belonged to Javed prior to the violation in the indictment --- March 12, 2015. (See Ex A - Copy of Motor Vehicle Title).

Till now, movant has not demonstrated a legitimate interest in retaining Javed's property. United States v. Omian, No 05-80338, 2006 WL 3240555, at *2(E.D. Mich Nov 7, 2006). Also, due to violation of Javed's due process, and his bonafide ownership, Javed is "lawfully entitled to posses the property." United States v. Headley, 50 F.App'x. 266 (6th Cir.

2002).

Accordingly, this Court should order the movant to return Javed's property unconditionally and promptly, conversely hold an evidentiary hearing so Javed may prove ownership not derived from proceeds of a criminal act.

For the reasons stated, Javed respectfully moves this Court to grant this motion.

Dated: Jan 21, 2021.

Respectfully Submitted,

/s/ Manawar Javed

(51096-039)

Moshannon Valley CI,

555 Geo Dr,

Philipsburg, PA 16866.

DECLARATION AND CERTIFICATE OF SERVICE

I declare under the penalty of perjury that the foregoing is true and correct. I certify that on Jan 21, 2021, I mailed the foregoing to the Court Clerk for the United States District Court, Eastern District of Michigan.

/s/ Manawar Javed

Exhibit

A

STATE OF MICHIGAN

CERTIFICATE OF TITLE

VEHICLE IDENTIFICATION NUMBER WDDNG86X78A173580 YEAR 2008 MAKE MERC BENZ MODEL S550 BODY STYLE FOUR DOOR

TITLE NUMBER 120D0701070 T ISSUE DATE 03/12/2015 ODOMETER 003000 BRAND/LEGEND

WEIGHT/FEE CATEGORY 60 ODOMETER READ *ACTUAL MILEAGE

OWNER(S) NAME AND ADDRESS
 MANAWAR JAVED
 5201 PARK RIDGE DR
 WEST BLOOMFIELD MI 48323



NO SECURED INTEREST ON RECORD

Title Assignment by Seller

State and federal laws require the seller(s) to report mileage when a vehicle is transferred. Failure to complete or providing false information may result in civil liability, fines and/or imprisonment. ANY ALTERATION, ERASURE, FALSIFICATION, FORGERY OR FRAUD VOIDS THIS TITLE AND IS A CRIME.

Completed by Seller	I warrant that the ownership of the vehicle described on Certificate of Title is being transferred to the purchaser(s) and is free of all previous liens.	
	Printed Name of Purchaser(s)	Date of Sale
	Purchaser's Street Address	Selling Price
	City	State Zip
Completed by Buyer	I (we) certify that the odometer reading is: <input type="checkbox"/> Actual Mileage <input checked="" type="checkbox"/> Not Actual Mileage - WARNING ODOMETER DISCREPANCY. If odometer is mechanical limits of odometer (odometer has rolled over).	
	Signature of Seller(s)	Printed Name of Seller(s)
	X	State Zip
	Seller's Street Address	City
Completed by Buyer	I am aware of the above odometer certification and agree to the transfer of the vehicle.	
	Signature of Buyer(s)	Printed Name of Buyer(s)
	X	State Zip
	NEW LIENHOLDER INFORMATION (to be completed by the lender and presented to the Michigan Department of State)	

The State of Michigan, Michigan Department of State, is hereby notified of the transfer of the vehicle described on this Certificate of Title and is hereby notified of the transfer of the vehicle described on this Certificate of Title.

MANAWAR JAVED
 5201 PARK RIDGE DR
 WEST BLOOMFIELD MI 48323

NOTICE TO SELLERS

Sellers must keep a receipt or photocopy of the reassigned title for their records for 18 months or accompany the purchaser to a Secretary of State Office.



DO NOT ACCEPT THIS SHOWING ANY OTHER VEHICLE OR MUTILATION

Manawar Javed 51096-039
Moshannon Valley C.I.
555 GEO DRIVE,
Phillipsburg, PA 16866

25 JAN 2021 PM 1 L



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